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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/053,448	04/10/1998	RAOUL MALLART	PHA23383	1361

7590 05/12/2003  
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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

22

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/053,448	<b>Applicant(s)</b> MALLART ET AL.	
	<b>Examiner</b> Ngoc K. Vu	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see reconsideration of paper No. 21, filed 3/11/03, with respect to the rejection(s) of claim(s) 1-10 under 35 USC 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Harrison, Kirk and Maples.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrison (US 5,694,163 A).

Regarding claim 1, Harrison teaches a method of controlling communication to multiple end users at geographically different locations, comprising: in a broadcasting mode broadcasting content information for receipt by the end users (providing television program); in a conferencing mode: enabling interconnecting at least one subset of the end users through a network; enabling interaction between the end users of the subset via the network (providing end user 100, 102 to participate or observe chat via a network); and enabling switching between the broadcasting mode and the conference mode (for example, enabling switching between viewing television program in a televised audio/visual video window 216, and participating in a

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chat or viewing the chat in a chat room window 226) (see figures 1 and 2, col. 3, lines 12-27 and 55-61, col. 4, lines 11-37 and 57-64; col. 5, lines 52-58; col. 6, lines 1-9).

Regarding claim 2, Harrison teaches that while in the conference mode, broadcasting the interaction to another subset of the end-users (for example, view-only consumers view a chat that has been rebroadcast as associated data) (see col. 3, lines 18-22).

Regarding claim 3, Harrison teaches that switching is enabled by a specific event (television show or television program) in the content information broadcasted (see col. 2, lines 61-63).

Regarding claim 7, Harrison discloses a system for controlling communication between multiple end users at geographically different locations, the system comprising: a server (106, 108, 118 and 122); a respective one of multiple clients (100, 102) for a respective one of the end users, the clients being coupled to the server (see figure 1); wherein: the server comprises: a transmission unit (122) for broadcasting content information to the users; a trigger unit (118) for triggering formation during broadcasting of at least one group of end users (the chat data is inserted into a television program signal 110 at a VBI inserter 118 resulting in an encoded television signal 120. The encoded television signal is broadcast over the airwaves or a cable TV network) upon an event relating to the broadcasting (software at the consumer's computer reads the rebroadcast chat and formats it such that it appears on the screen as if the consumer were a participant in the chat. This software is tied to the broadcast of a particular television program); a unit (106, 108) for controlling formation of the group coupled to the trigger unit; and each respective client being enabled to switch between making accessible to the respective end user the broadcasted content information and enabling entering a conference between the end users of the group via the client (for example, enabling switching between viewing television program in a televised audio/visual video window 216, and participating in a chat with other

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users or viewing the chat in a chat room window 226) (see figures 1 and 2, col. 3, lines 12-27 and 55-61, col. 4, lines 11-37 and 57-64; col. 5, lines 52-58; col. 6, lines 1-9; col. 4, lines 11-15).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US 5,694,163 A) in view of Kirk et al (US 6,175,842 B1).

Regarding claim 4, Harrison discloses the content information comprises video information (see col. 4, lines 3-6). Harrison further disclose that the term "chat" is not limited to type chat or text chat but includes audio chat or other representations of chat that allow informal communication among users of an on-line service (see col. 3, lines 58-60). Harrison does not disclose that in the conference mode supplying the graphics representation to the end users. However, Kirk discloses the user can interact and communicate with other users in virtual reality environment using 3-D graphics (see 3, lines 52-60; col. 6, lines 11-14; col. 7, lines 18-38). It would have been obvious to one of ordinary skill in the art to modify chat feature in teaching of Harrison by including graphics representation as disclosed by Kirk in order to enhance chat with more attractive graphics displaying.

Regarding claim 5, Harrison as modified by Kirk further discloses that the user can build her/his own avatar using an avatar editing tool that enables the user to specify avatar characteristics (see col. 8, lines 24-27).

Regarding claim 6, Harrison teaches that while in the conference mode, broadcasting the interaction to another subset of the end-users (for example, view-only consumers view a

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chat that has been rebroadcast as associated data) (see col. 3, lines 18-22). Harrison as modified by Kirk further discloses that the user can build her/his own avatar using an avatar editing tool that enables the user to specify avatar characteristics (see col. 8, lines 24-27).

Regarding claim 8, Harrison teaches a server input (111) for receiving video data (see figure 1) and a client input (100, 102) connected to the server output (see figure 1). Harrison discloses that software at the consumer's computer reads the rebroadcast chat and formats it such that it appears on the screen as if the consumer were a participant in the chat. This software is tied to the broadcast of a particular television program (see col. 4, lines 11-15). Harrison further discloses that the term "chat" is not limited to type chat or text chat but includes audio chat or other representations of chat that allow informal communication among users of an on-line service (see col. 3, lines 58-62). Harrison does not disclose generating a graphics model. However, Kirk discloses the user can interact and communicate with other users in virtual reality environment using 3-D graphics (see 3, lines 52-60; col. 6, lines 11-14; col. 7, lines 18-38). It would have been obvious to one of ordinary skill in the art to modify chat feature in teaching of Harrison by including graphics representation as disclosed by Kirk in order to enhance chat with more attractive graphics displaying.

6. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US 5,694,163 A) in view of Maples et al (US 6,167,433 A).

Regarding claim 9, Harrison teaches a client apparatus (100, 102) for use with a video server, the client apparatus comprising: a receiver for receiving a TV broadcast (200); a coder (224) for coding information received via an Internet (on-line service) from another client; wherein the apparatus is operative to selectively control switching the apparatus between making accessible to and end user the broadcast or making accessible to the end user a real-time communication channel with another client (for example, enabling switching between

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viewing television program in a televised audio/visual video window 216, and participating in a chat with other users or viewing the chat in a chat room window 226) (see figures 1 and 2, col. 3, lines 12-27 and 55-61, col. 4, lines 11-37 and 57-64; col. 5, lines 8-14 and 52-58; col. 6, lines 1-9; col. 4, lines 11-15). Harrison fails to disclose receiving a control signal from the server. However, Maples discloses sending a verification data included an OK message or a fail message from server/proprietor to user/requestor for verifying log-in authorization in a multi-dimensional shared environment (see col. 13, lines 4-26 and 44-54). It would have been obvious to one of ordinary skill in the art to modify Harrison by including sending verification data included an OK message or fail message from server to user for verifying log-in authorization.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US 5,694,163 A) in view of Maples et al (US 6,167,433 A) and further in view of Kirk et al (US 6,175,842 B1).

Regarding claim 10, Harrison discloses that the term "chat" is not limited to type chat or text chat but includes audio chat or other representations of chat that allow informal communication among users of an on-line service. Harrison further discloses the encoded television signal 120 broadcast over the airwaves on an assigned television channel (see col. 4, lines 3-5). Harrison does not disclose receiving a 3D graphics model from the server. However, Kirk discloses generating 3-D graphics from cospace server (col. 6, lines 30-32 and 47-50; col. 7, lines 18-38). It would have been obvious to one of ordinary skill in the art to modify chat feature in teaching of Harrison by including 3D graphics representation as disclosed by Kirk in order to enhance chat with more attractive graphics displaying.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

NV  
May 4, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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